UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20-cy-381-MOC

1:16-cr-39-MOC-WCM-2

DANNY TERRON RONEY,)
Petitioner,)
VS.)) ORDER
UNITED STATES OF AMERICA,) ORDER
Respondent.))

THIS MATTER is before the Court on Petitioner's *pro se* "Motion for Habeas Corpus § 2255," (Doc. No. 1).

Petitioner was arrested in April 2016 and was found incompetent to stand trial in January 2017. The matter was continued repeatedly in order to determine whether Petitioner's competency could be restored and the continuances were excluded from the Speedy Trial Act. See 18 U.S.C. §§ 3161(h)(1)(A), (h)(7)(A). Petitioner was finally deemed competent to stand trial on September 24, 2019 and he entered a guilty plea. (Doc. Nos. 317, 316, 319). The Judgment was entered on December 20, 2019. (Doc. No. 329). Petitioner did not appeal.

On December 9, 2020,¹ Petitioner filed the instant petition for § 2255 post-conviction relief. However, the petition is insufficient to proceed in that it has not been submitted on, and does not substantially follow, the required form and does not clearly state the claims. See Rule 2(c), 28 U.S.C. foll. § 2255. Plaintiff shall have **thirty (30) days** in which to file a superseding Amended § 2255 Motion to Vacate in accordance with this Order; it will replace the original

¹ <u>Houston v. Lack</u>, 487 U.S. 266, 276 (1988) (establishing the prisoner mailbox rule); Rule 3(d), 28 U.S.C. foll. § 2255 (addressing inmate filings).

petition and any claims not included in it will be waived. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001). The Amended § 2255 Motion to Vacate will be subject to all applicable timeliness and procedural requirements. See generally 28 U.S.C. § 2255; Mayle v. Felix, 545 U.S. 644 (2005) (discussing relation back). Failure to comply with this Order will likely result in dismissal of this action without further notice.

IT IS, THEREFORE, ORDERED that:

- 1. Petitioner shall have **thirty** (**30**) days in which to file an Amended § 2255 Motion to Vacate in accordance with this Order and within the time limit set by the Court. If Petitioner fails to do so, this action will be sdismissed without further notice.
- 2. The Clerk is instructed to mail Petitioner a blank § 2255 form along with a copy of this Order.

Signed: December 21, 2020

Max O. Cogburn Jr United States District Judge